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11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14
15 BRIAN BORENSTEIN, an individual,
16 Plaintiff

17 vs.

CASE No.: 2:19-CV-00985-APG-DJA

18 THE ANIMAL FOUNDATION, a domestic
19 nonprofit corporation; COUNTY OF CLARK, *ex*
20 *rel.* CLARK COUNTY ANIMAL CONTROL, a
political subdivision of the State of Nevada;
21 SUNRISE HOSPITAL AND MEDICAL
CENTER, LLC, a foreign limited-liability
22 company domiciled in Delaware; CARLY
SCHOLTEN, an individual; VICTOR ZAVALA,
an individual; ULRIKE PASTERNAK, an
23 individual; and ROE BUSINESS ENTITIES 1-5;
and DOE INDIVIDUALS 1-5,

24 Defendants.
25

**MOTION FOR EXTENSION OF TIME
TO REPLY TO DEFENDANT TAF'S
MOTION TO DISMISS
(THIRD REQUEST)**

26 COMES NOW Plaintiff, BRIAN BORENSTEIN, (hereinafter "Plaintiff"), by and through
27 his counsel, Robert S. Melcic, Esq. and Raelene K. Palmer, Esq. of The Palmer Law Firm, P.C., and
28

1 hereby move this honorable Court for an enlargement of time to reply to Defendant's *Motion to*
2 *Dismiss*, in the above-referenced matter.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **I. PROCEDURAL HISTORY**

5 On July 10, 2020, Defendants filed a *Motion to Dismiss*. (ECF No. 54). Following the
6 ordinary course, Plaintiff's opposition would have been due on or before July 24, 2020. On July
7 22, 2020, Plaintiff filed a *Stipulation to Extend Time for Brian Borenstein to File a Response to*
8 *the Animal Foundation's Motion to Dismiss and to Reply to The Animal Foundation's Second*
9 *Motion for Miscellaneous Relief (First Request)*. (ECF No. 62). On July 31, 2020, Plaintiff filed a
10 *Second Stipulation to Extend Time for Brian Borenstein to File a Response to the Animal*
11 *Foundation's Motion to Dismiss and to Reply to The Animal Foundation's Opposition to*
12 *Plaintiff's Second Motion for Miscellaneous Relief (Second Request)*. (ECF No. 65). The Court
13 granted these stipulations.

14 **II. LEGAL ARGUMENT**

15 Fed.R.Civ.P. 6(b)(1)(A) provides in pertinent part:

16
17 (b) *Extending Time.*

18 (1) *In General.* When an act may or must be done within a
19 specified time the court may, for good cause, extend the time:
20 with or without motion or notice if the court acts, or if a request
is made, before the original time or its extension expires[.]

21 LR 6-1 provides in pertinent part:

22 (a) Every motion requesting a continuance, extension of time, or
23 Order shortening time shall be "Filed" by the clerk and processed
as an expedited matter...

24 (b) Every motion or stipulation to extend time shall inform the
25 court of any previous extensions granted and state the reasons for
the extensions requested... immediately below the title of such a
26 motion

27 The undersigned counsel requested a seven-day extension on July 22, 2020, in good faith,
28 given that Plaintiff's counsel had multiple deadlines for complex issues falling within the same

1 period. Plaintiff expected that seven days would be enough time. However, the burdens of the other
 2 documents on the deadline made finishing the motion in time unfeasible. For that reason the
 3 undersigned counsel requested a second extension, this time for fourteen days on July 31, 2020.
 4 The undersigned counsel, having been unable to confer with opposing counsel due to an expectation
 5 of meeting the deadline today, requests a two-day extension from the court.

6 **III. CONCLUSION**

7 Based upon the foregoing, Plaintiff respectfully requests that he be granted an extension of
 8 time from August 14, 2020, to August 18, 2020, to file his reply to Defendant TAF's *Motion to*
 9 *Dismiss and Special Anti-SLAPP Motion to Dismiss Pursuant to NRS 41.637.*

10 DATED this 14th day of August 2020.

12 /s/ Robert S. Melcic
 13 ROBERT S. MELCIC, Esq.
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 17 (702)526-4235
 18 *Attorney for Plaintiff Brian Borenstein*

18 **ORDER**

19 IT IS SO ORDERED.

20 DATED this 17th day of August, 2016.

21 
 22 U.S. DISTRICT COURT JUDGE

23 Respectfully submitted by:

24
 25 By: /s/ Robert S. Melcic,
 26 Robert S. Melcic, Esq.
 27 Nevada Bar No. 14923
 28 4930 Mar Vista Way
 Las Vegas, Nevada 89121

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2020, I caused to be served a copy of the foregoing ***Reply in Support of Defendants' Motion for Miscellaneous Relief***, by electronic filing through the Court's CM/ECF system, addressed to:

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